



WASHOE COUNTY

"Dedicated To Excellence in Public Service"

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CM/ACM _____
Finance _____
DA _____
Risk Mgt N/A
HR N/A
Other N/A

STAFF REPORT

BOARD MEETING DATE: February 9, 2016

DATE: January 28, 2016

TO: Board of County Commissioners

FROM: Robert Smith, Animal Services Manager
Phone: 353-8945; email: rasmith@washoecounty.us

THROUGH: Shyanne Schull, Director of Animal Services

SUBJECT: Second reading and adoption of an ordinance amending Washoe County Code Chapter 55 by repealing provisions concerning riding horses while intoxicated, abandoning injured animals, and giving away live animals as part of a promotion; by amending provisions related to keeping animals in sanitary conditions, animal waste disposal, cruelty to animals, animal fighting, pigeon shoots, endangering animals and restraining animals; and by repealing, adding and revising various definitions, and all other matters properly relating thereto. (Bill No. 1757) (All Commission Districts).

SUMMARY

The Washoe County Commission introduced and held the first reading of an ordinance amending Washoe County Code Chapter 55 by clarifying provisions of animal cruelty and by adding related amendments and definitions in accordance with NRS 574.

Washoe County Code Chapter 55 was rewritten to create a unified animal control ordinance which was adopted on June 14, 2005 in accordance with the Interlocal Agreement entered into by the Cities of Reno and Sparks and the County of Washoe to effectuate the consolidation of animal services in the County. In accordance with that Interlocal Agreement and the consolidated ordinances, animal services have been provided on a regional basis now in excess of nine years. It is based on this experience, revision to State Statutes and public input during this time that these amendments to Chapter 55 are being proposed.

- NRS 244.189 provides that the board of county commissioners may exercise such powers and may enact such ordinances not in conflict with Nevada statutes for, inter alia, the control and protection of animals.
- NRS 244.359 provides that the board of county commissioners may enact and enforce ordinances fixing, imposing and collecting an annual license fee on dogs and providing

AGENDA ITEM # 16

for the capture and disposal of all dogs on which the license fee is not paid; regulating or prohibiting the running at large and disposal of all kinds of animals; establishing a pound, appointing a pound keeper and prescribing his duties; prohibiting cruelty to animals; and designating an animal as inherently dangerous and requiring the owner of such an animal to obtain a policy of liability insurance for the animal in an amount determined by the board of county commissioners. Any such ordinances may apply throughout the entire county or govern only a limited area within the county.

- The Washoe County Board of Commissioners and the City Councils of the City of Reno and City of Sparks consolidated animal control functions in Washoe County to be on a regional basis. The consolidation of animal control services was accomplished by the adoption of ordinances of the three jurisdictions approving an interlocal agreement among the cities of Reno and Sparks and Washoe County which regionalized all field services, including, but not limited to, licensing, enforcement, rabies control, kennel permitting and related administrative functions relating thereto under the jurisdiction and control of Washoe County. The final step in the consolidation process occurred on June 14, 2005 when the Washoe County Board of Commissioners adopted the ordinance which amended Washoe County Code Chapter 55 in compliance with the interlocal agreement for the consolidation of animal services. Since that date, animal services within Washoe County has been operated and provided on a regional basis. We now have over nine years of regional operational experience.
- It is the intention of this Ordinance to enact and revise sections to Washoe County Code Chapter 55 based upon that experience and public input.

County priority/goals: Safe, secure and healthy communities; Public participation and open, transparent communication.

PREVIOUS ACTION

On April 22, 2014 the Washoe County Commission approved the establishment of Washoe County Regional Animal services as a stand-alone department.

On June 17, 2014 the Washoe County Commission authorized initiation of proceedings to amend Washoe County Code (Chapters 5 and 55) related to the creation of the Department of Regional Animal Services.

On July 22, 2014 the Washoe County Commission received an update on the public input process regarding Washoe County Code Chapter.

On January 26, 2016 the Washoe County Commission introduced and held a first reading of an ordinance amending Washoe County Code Chapter 55, by repealing provisions concerning riding horses while intoxicated, abandoning injured animals, and giving away live animals as part of a promotion; by amending provisions related to keeping animals in sanitary conditions, animal waste disposal, cruelty to animals, animal fighting, pigeon shoots, endangering animals and restraining animals; and by repealing, adding and revising various definitions, and all other matters properly relating thereto.

BACKGROUND

The County Managers Office and Washoe County Regional Animal Services (WCRAS) initially met with OnStrategy to plan the public input process for the proposed code amendments. A first step in the public input process was to share proposed revisions with key stakeholder groups including the Cities of Reno and Sparks and major animal groups in our community to include but not limited to the SPCA, NHS and Pet Network. Through individual meetings with staff input was received from these groups regarding the proposed code amendments.

An online comment process “Open Washoe” was utilized from July 7, 2014 to August 18, 2014 to establish priorities for ordinance workshops, to raise awareness of the code issues and obtain a broad range of input on topics important to the public. The unique feature of this community engagement tool is to allow visitors to the site the ability to read all the comments posted by their fellow citizens, as well as the ability to agree or disagree.

During the public input process there were numerous media releases and targeted email notifications encouraging the public to give input on the amendments as well as several news stories, print articles and radio shows discussing the changes and encouraging public input, which resulted in additional input being received via phone calls and emails.

This process was implemented to raise awareness of the community issues and to ensure the widest range of public input. The unique feature of this community engagement tool is to allow visitors to the site the ability to read all the comments posted by their fellow citizens, as well as the ability to agree or disagree.

At key points during the public input process, new questions regarding the code revisions were posted and the proposed code amendments were edited based upon public input and these changes were then posted on “Open Washoe” for citizens to review.

Additionally, links to “Open Washoe” were added to the Animal Services web page and an email account animalcode@washoecounty.us was created for the public to communicate their comments and concerns specific to proposed Code changes.

FISCAL IMPACT

None

RECOMMENDATION

It is recommended that the Board of County Commissioners hold a second reading and adopt an ordinance amending Washoe County Code Chapter 55 by repealing provisions concerning riding horses while intoxicated, abandoning injured animals, and giving away live animals as part of a promotion; by amending provisions related to keeping animals in sanitary conditions, animal waste disposal, cruelty to animals, animal fighting, pigeon shoots, endangering animals and restraining animals; and by repealing, adding and revising various definitions, and all other matters properly relating thereto.

POSSIBLE MOTION

Should the Board approve, a possible motion would be: Move to hold a second reading and adopt an ordinance amending Washoe County Code Chapter 55 by repealing provisions concerning riding horses while intoxicated, abandoning injured animals, and giving away live animals as part of a promotion; by amending provisions related to keeping animals in sanitary conditions, animal waste disposal, cruelty to animals, animal fighting, pigeon shoots, endangering animals and restraining animals; and by repealing, adding and revising various definitions, and all other matters properly relating thereto.

SUMMARY: An ordinance amending Washoe County Code Chapter 55 by repealing certain provisions; by amending provisions related to keeping animals in sanitary conditions, animal waste disposal, cruelty to animals, animal fighting, pigeon shoots, endangering animals, and restraining animals; and by repealing, adding and revising various definitions.

BILL NO. 1757

ORDINANCE NO. _____

AN ORDINANCE AMENDING WASHOE COUNTY CODE CHAPTER 55 BY REPEALING PROVISIONS CONCERNING RIDING HORSES WHILE INTOXICATED, ABANDONING INJURED ANIMALS, AND GIVING AWAY LIVE ANIMALS AS PART OF A PROMOTION; BY AMENDING PROVISIONS RELATED TO KEEPING ANIMALS IN SANITARY CONDITIONS, ANIMAL WASTE DISPOSAL, CRUELTY TO ANIMALS, ANIMAL FIGHTING, PIGEON SHOTS, ENDANGERING ANIMALS AND RESTRAINING ANIMALS; AND BY REPEALING, ADDING AND REVISING VARIOUS DEFINITIONS.

THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF WASHOE DO ORDAIN:

SECTION 1. Sections 55.160, 55.180 and 55.210 of the Washoe County Code are hereby repealed.

SECTION 2. The definition of "torture" contained in section 55.010 of the Washoe County Code is hereby repealed.

SECTION 3. Section 55.010 of the Washoe County Code is hereby amended to add the following new definitions:

"Animal abandonment" occurs when a person owning, possessing or having custody or control of an animal abandons the animal in a public or private place.

"Horse tripping" means deliberately causing an equine to fall or lose its balance with a rope, lasso, stick or other object for sport, entertainment, competition or party. "Horse tripping" does not include tripping a horse to provide medical or other health care for the horse.

SECTION 4. Section 55.010 of the Washoe County Code is hereby amended as follows:

Cruelty ~~includes~~ **means** every act, omission or neglect, whereby unjustifiable physical pain, suffering or death is caused or

permitted. Cruelty has the same meaning as torture .

SECTION 5. Section 55.110 of the Washoe County Code is hereby amended as follows:

55.110 Keeping of animals in sanitary conditions. No person shall keep any animal unless its area is kept clean and free from ~~offensive odors and animal wastes~~ **and offensive odors. Offensive odors are odors that are offensive to a reasonable person of normal sensitivities.**

SECTION 6. Section 55.130 of the Washoe County Code is hereby amended as follows:

55.130 Animal waste disposal.

1. ~~Except as provided in subsection 3, w~~Within the congested areas ~~designated in sections 55.240 and 55.245,~~ it is unlawful for any person owning or having control or custody of any animal to permit the animal to defecate upon ~~the a public property of the county~~ **area** or upon the private property of another unless the person immediately removes ~~the feces~~ and properly disposes of ~~it~~ **the feces.**; ~~provided however, that n~~ **Nothing herein contained in this section** authorizes such person to enter upon the private property of another without permission.

2. ~~Except as provided in subsection 3, w~~Within the congested areas ~~designated in sections 55.240 and 55.245,~~ it is unlawful for any person to walk a dog **upon a public property of the county area** or upon the private property of another without carrying ~~at all times~~ a suitable container ~~or other suitable instrument~~ for the removal and disposal of dog feces.

3. ~~Handicapped persons who use guide dogs, helping dogs or hearing dogs~~**Persons with disabilities who use service animals for assistance** are exempt from this section.

4. Persons whose dogs are participating in dog shows or direct command obedience classes are exempt from this section while their animal is actually participating in such shows or classes, but all feces must be removed and disposed of immediately upon the conclusion of the show or class.

SECTION 7. Section 55.140 of the Washoe County Code is hereby amended as follows:

55.140 Cruelty to animals; generally.

1. It is unlawful for any person to ~~overdrive, overload, torture or cruelly beat, or unjustifiably injure, maim, mutilate, poison, or kill any animal whether belonging to~~

~~himself or to another, or deprive any animal of necessary sustenance, food, drink or shelter, or willfully instigate, engage in, or in any way further an act of cruelty to any animal, or any act to produce such cruelty.:~~

(a) **Fail to provide an animal with sufficient and wholesome food;**

(b) **Fail to provide an animal with sufficient and potable water;**

(c) **Fail to provide an animal with accessible and necessary shelter;**

(d) **Fail to provide an animal with reasonable veterinary care when needed;**

(e) **Beat, overdrive, overload, overwork, torment, torture, or unjustifiably injure, maim, mutilate, poison or kill any animal whether belonging to himself or another;**

(f) **Intentionally allow an animal to fight with another animal or person;**

(g) **Abandon an animal;**

(h) **Crop a dog's ears without assistance from a licensed veterinarian;**

(i) **Dock a dog's tail that is more than five days old;**

(j) **Restrain an animal in violation of NRS 574.100; or**

(k) **Engage in the practice of horse tripping in violation of NRS 574.100.**

2. Nothing contained in this section shall be construed to prohibit or interfere with an animal control officer or law enforcement officer ~~in the's~~ exercise and performance of ~~their~~ **his or her** duties.

3. **Any violation of this section of the Washoe County Code for cruelty to animals shall be punished as a misdemeanor pursuant to NRS 244.359.**

SECTION 8. Section 55.170 of the Washoe County Code is hereby amended as follows:

55.170 Animal fighting; pigeon shoots.

1. ~~It is unlawful for any person to keep or use, or be in any manner connected with or interested in the management of, or receive money or other things of value for the admission of any person to a house, apartment, pit or place to willfully procure or permit the same to be used or occupied for such baiting or fighting, or to instigate, promote, arrange or carry on, or participate in do any act as assistant, umpire, principal, spectator or otherwise, in aid of or calculated to encourage or further any fight between birds or animals.~~ **Unlawful acts include, but are not limited to:**

(a) **Keeping, using or breeding any bird or animal for baiting or fighting;**

(b) **Receiving money or other items of value for admission to a bird or animal fight;**

(c) Allowing a house, apartment, pit or place to be used for a bird or animal fight; and

(d) Acting as an assistant, umpire, principal or spectator to encourage or further a bird or animal fight.

2. It is unlawful for any person to manufacture, own, possess, purchase, barter, exchange, sell, or advertise for barter, exchange or sale, any gaff, spur or other sharp implement designed to be attached to a cock or other bird with the intent that the implement be used in fighting another cock or other bird.

23. It is unlawful for any person to provide or use pigeons or other birds, or to fire upon the same, in connection with any shoot which may result in the killing or injuring of any pigeons or such other birds.

SECTION 9. Section 55.190 of the Washoe County Code is hereby amended as follows:

55.190 Endangering animals.

1. It is unlawful for any person to hold or confine an animal in a pen, house, car, truck, trailer or any other place without a sufficient supply of good and wholesome air, water, food and necessary veterinary care.

2. It is unlawful for any person to hold or confine an animal in a car, truck, trailer, box or crate when the temperature and surrounding environment may cause the animal unnecessary suffering or death.

3. To ensure humane treatment and alleviate suffering or needless death, any animal control **officer** or peace officer may remove an animal from a situation that restricts the animals ability to escape suffering or death. However, the officer will make every reasonable effort to allow the owner of the animal to remedy the situation before removal, or if no owner is available, the officer will attempt to notify the owner as soon as possible that the animal has been removed.

SECTION 10. Section 55.200 of the Washoe County Code is hereby amended as follows:

55.200 ~~Tethering~~**Restraining** animals. It is unlawful for any person who has **the** care, custody ~~and~~ **or** control of any animal to ~~tether~~ **restrain** ~~it~~ **the animal upon** public ~~property~~ or ~~on~~ private property ~~used for gaming or retail sales~~ **without the permission of the property owner.**

[Business Impact Note: The Board of County Commissioners hereby finds that this ordinance does not impose a direct and significant economic burden upon a business, nor does it directly restrict the formation, operation or expansion of a business.]

Proposed on the _____ day of _____, 2016.

Proposed by Commissioner _____.

Passed on the _____ day of _____, 2016.

Vote:

Ayes:

Nays:

Absent:

Chairman
Washoe County Commission

ATTEST:

County Clerk

This ordinance shall be in force and effect from and after the
_____ day of _____, 2016.

SUMMARY: An ordinance amending Washoe County Code Chapter 55 by repealing certain provisions; by amending provisions related to keeping animals in sanitary conditions, animal waste disposal, cruelty to animals, animal fighting, pigeon shoots, endangering animals, and restraining animals; and by repealing, adding and revising various definitions.

BILL NO. 1757

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"Horse tripping" means deliberately causing an equine to fall or lose its balance with a rope, lasso, stick or other object for sport, entertainment, competition or party. "Horse tripping" does not include tripping a horse to provide medical or other health care for the horse.

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55.110 Keeping of animals in sanitary conditions. No person shall keep any animal unless its area is kept clean and free from animal waste and offensive odors. Offensive odors are odors that are offensive to a reasonable person of normal sensitivities.

SECTION 6. Section 55.130 of the Washoe County Code is hereby amended as follows:

55.130 Animal waste disposal.

1. Within the congested areas, it is unlawful for any person owning or having control or custody of any animal to permit the animal to defecate upon a public area or upon the private property of another unless the person immediately removes and properly disposes of the feces. Nothing in this section authorizes such person to enter upon the private property of another without permission.

2. Within the congested areas, it is unlawful for any person to walk a dog upon a public area or upon the private property of another without carrying a suitable container for the removal and disposal of dog feces.

3. Persons with disabilities who use service animals for assistance are exempt from this section.

4. Persons whose dogs are participating in dog shows or direct command obedience classes are exempt from this section while their animal is actually participating in such shows or classes, but all feces must be removed and disposed of immediately upon the conclusion of the show or class.

SECTION 7. Section 55.140 of the Washoe County Code is hereby amended as follows:

55.140 Cruelty to animals; generally.

1. It is unlawful for any person to:

(a) Fail to provide an animal with sufficient and wholesome food;

(b) Fail to provide an animal with sufficient and potable water;

(c) Fail to provide an animal with accessible and necessary shelter;

(d) Fail to provide an animal with reasonable veterinary care

when needed;

(e) Beat, overdrive, overload, overwork, torment, torture, or unjustifiably injure, maim, mutilate, poison or kill any animal whether belonging to himself or another;

(f) Intentionally allow an animal to fight with another animal or person;

(g) Abandon an animal;

(h) Crop a dog's ears without assistance from a licensed veterinarian;

(i) Dock a dog's tail that is more than five days old;

(j) Restrain an animal in violation of NRS 574.100; or

(k) Engage in the practice of horse tripping in violation of NRS 574.100.

2. Nothing contained in this section shall be construed to prohibit or interfere with an animal control officer or law enforcement officer's exercise and performance of his or her duties.

3. Any violation of this section of the Washoe County Code for cruelty to animals shall be punished as a misdemeanor pursuant to NRS 244.359.

SECTION 8. Section 55.170 of the Washoe County Code is hereby amended as follows:

55.170 Animal fighting; pigeon shoots.

1. It is unlawful for any person to instigate, promote, arrange, carry on or participate in any fight between birds or animals. Unlawful acts include, but are not limited to:

(a) Keeping, using or breeding any bird or animal for baiting or fighting;

(b) Receiving money or other items of value for admission to a bird or animal fight;

(c) Allowing a house, apartment, pit or place to be used for a bird or animal fight; and

(d) Acting as an assistant, umpire, principal or spectator to encourage or further a bird or animal fight.

2. It is unlawful for any person to manufacture, own, possess, purchase, barter, exchange, sell, or advertise for barter, exchange or sale, any gaff, spur or other sharp implement designed to be attached to a cock or other bird with the intent that the implement be used in fighting another cock or other bird.

3. It is unlawful for any person to provide or use pigeons or other birds, or to fire upon the same, in connection with any shoot which may result in the killing or injuring of any pigeons or such other birds.

SECTION 9. Section 55.190 of the Washoe County Code is hereby amended as follows:

55.190 Endangering animals.

1. It is unlawful for any person to hold or confine an animal in a pen, house, car, truck, trailer or any other place without a sufficient supply of good and wholesome air, water, food and necessary veterinary care.

2. It is unlawful for any person to hold or confine an animal in a car, truck, trailer, box or crate when the temperature and surrounding environment may cause the animal unnecessary suffering or death.

3. To ensure humane treatment and alleviate suffering or needless death, any animal control officer or peace officer may remove an animal from a situation that restricts the animals ability to escape suffering or death. However, the officer will make every reasonable effort to allow the owner of the animal to remedy the situation before removal, or if no owner is available, the officer will attempt to notify the owner as soon as possible that the animal has been removed.

SECTION 10. Section 55.200 of the Washoe County Code is hereby amended as follows:

55.200 Restraining animals. It is unlawful for any person who has the care, custody or control of any animal to restrain the animal upon public or private property without the permission of the property owner.

[Business Impact Note: The Board of County Commissioners hereby finds that this ordinance does not impose a direct and significant economic burden upon a business, nor does it directly restrict the formation, operation or expansion of a business.]

Proposed on the _____ day of _____, 2016.

Proposed by Commissioner _____.

Passed on the _____ day of _____, 2016.

Vote:

Ayes:

Nays:

Absent:

Chairman
Washoe County Commission

ATTEST:

County Clerk

This ordinance shall be in force and effect from and after the
_____ day of _____, 2016.